IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2849 OF 2006

Smt.Parashram Kundlik Wagh Applicant
versus
The State of Maharashtra Respondent

Shri A.J.Phoujdar i/by M.P.Dalvi for applicant.
M.H.Mhatre, APP.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th August 2006

PC :

1. The applicant preferred Criminal Application No.196 of 2006 for anticipatory bail in the Court of Additional Sessions Judge, Pandharpur. The said application has been dismissed only because the applicant disobeyed the direction of the Trial Court to attend the Court on every day of hearing of the application. The applicant's application for dispensation of daily attendance at the time of hearing was also rejected.

2. When this application was placed before this Court it was pointed out that the applicant was not arrested and, therefore, this Court issued a

direction not to arrest the applicant. That direction is issued on 7th August 2006 and is continuing till date.

3. When this application was placed before me the learned advocate appearing for the applicant after taking instructions makes a statement that an opportunity be given to the applicant to argue his application before the Sessions Court on merits and in accordance with law and as the applicant is ready and willing to attend the Sessions Court on the date fixed by this Court for his appearance. A further statement is made that the applicant would attend the Trial Court on any subsequent date to which the hearing of the application may be adjourned.

4. A grievance is made by the learned APP that the applicant has not co-operated in the investigation and has rather absconded. However, applicant’s advocate denies this fact and submits that the applicant resides at the address given in the cause title and till the date of appearance before the Sessions Court, would attend the local Police Station.

5. In my view, in the light of the statement

made by the learned advocate, an opportunity to the applicant deserves to be granted. That would subserve the ends of justice. Additionally, with a view to ensure smooth investigation into the offence it is directed that the applicant shall attend Pandharpur City Police Station from Monday, 21st August 2006 daily between 10.00 a.m. to 12.00 a.m..

6. The applicant shall appear before the learned Additional Sessions Judge, Pandharpur on 25th August 2006 and upon his attendance on the date fixed i.e. 25th August 2006, his application for anticipatory bail filed in that Court being Miscellaneous Criminal Application No.196 of 2006, shall stand restored to the file for being disposed of on merits and in accordance with law. Needless to state that the learned Judge shall give an opportunity to the applicant as also to the prosecution to make their submissions and produce documents. The learned Judge to then endeavour and dispose of the application within a period of three weeks.

7. Needless to state that in default of attendance at the local Police Station, so also appearance before the Lower Court on 25th August

2006, this application as also Miscellaneous Criminal application filed in the Sessions Court to stand dismissed without any further reference to the Court.

8. In that event, the entire protection granted by this Court on 7th August 2006 would automatically come to an end and the prosecution would be at liberty to proceed in accordance with law.

9. Upon attendance on 25th August 2006 in the Court referred to above, the interim protection granted by this Court to continue till disposal of the application before the Sessions Judge. The direction not to arrest the applicant to continue in any event till 25th August 2006, provided, he abides by the conditions stipulated above.

(S.C.DHARMADHIKARI, J.)